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7590 02/08/2007 A. Bruce Clay IBM Corporation T81/503 PO Box 12195 Research Triangle Park, NC 27709			EXAMINER MANIWANG, JOSEPH R	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/816,005
Filing Date: March 23, 2001
Appellant(s): ANGWIN ET AL.

MAILED

FEB 08 2007

Technology Center 2100

Mari Stewart (Reg. No. 50,359)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/16/06 appealing from the Office
action mailed 06/16/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,633,311

DOUVIKAS ET AL.

10-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the Appellant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the Appellant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1 -21 are rejected under 35 U.S.C. 102(e) as being anticipated by Douvikas et al. (U.S. Pat. No. 6,633,311), hereinafter referred to as Douvikas.
2. Regarding claims 1, 10, and 19, Douvikas disclosed a method and system for providing personal data to a recipient comprising providing a personal data object (see column 8, lines 7-17), wherein the personal data object includes personal data (see column 8, lines 52-53) and a template with embedded code for generating a personal data output (see column 13, lines 15-22); receiving a credential for the recipient (see column 9, lines 21-56); activating the embedded code in the template to dynamically

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generate a personal data output based on the at least one credential (see column 10, lines 58-64; column 13, lines 15-17); and delivering the personal data output to the recipient (see column 8, lines 14-17; column 10, lines 48-51).

3. Regarding claims 2, 11, 22, and 24, Douvikas disclosed the credential ("ecardfile Members") comprising an e-mail address (see column 9, lines 40-43). Examiner submits that an e-mail address reads on the broad concept of a "device ID" as claimed in claim 24.

4. Regarding claims 4, 13, and 21, Douvikas disclosed the personal data object comprising a Java class and Java server page (see column 12, lines 5-6, 15-27; column 13, lines 1-6).

5. Regarding claims 5, 14, and 23, Douvikas disclosed the personal data output comprising an electronic business card (see column 2, lines 18-22; column 3, lines 56-61).

6. Regarding claims 6 and 15, Douvikas disclosed delivering the personal data output to the recipient comprising attaching the personal data output to an e-mail message (see column 10, lines 46-57).

7. Regarding claims 7 and 16, Douvikas disclosed the method performed by a client device (see column 5, lines 11-23).

8. Regarding claims 8 and 17, Douvikas disclosed the client device as a computer, PDA, telephone device, or pager (see column 13, line 64 through column 14, line 3).

9. Regarding claims 9 and 18, Douvikas disclosed the method performed by a server (see column 4, lines 1-22).

(10) Response to Argument

The Appellant argued in substance that:

Issue 1: Douvikas does not teach providing a personal data object.

Specifically, Appellant first asserts that Douvikas does not disclose “providing a personal data object, wherein the personal data object includes personal data and a template with embedded program code for generating a personal data output” as recited in claim 1. To this point, Examiner maintains the position set forth in the Final Rejection. Douvikas clearly teaches “providing a personal data object”, as providing a “vCard” (i.e., personal data object) was disclosed (see column 8, lines 7-17). A vCard, as was known in the art at the time of invention, was a data object format (i.e., template) for storing personal data in the form of vCard objects (i.e., embedded program code) that could be transferred in a stream to be interpreted by a vCard Reader (i.e., generate output). Such a vCard thus also reads on the broadly claimed “template with embedded program code”. Examiner further notes that such an interpretation is reasonably within the scope of the claims. The breadth of the claim language only requires that an “object” is provided containing a “template” and “embedded code”, and does not require specifics such as how such an object is provided, what kind of template or code is used, or how such code is embedded. The definition of a vCard is the same as the personal data object defined by the claims. Examiner submits that since Douvikas teaches a vCard, providing a personal data object as claimed was clearly taught by the prior art of record.

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10. Appellant further asserts that Douvikas does not disclose "a personal data object including a template with embedded program code for generating a personal data output", such output "based on at least one credential". Appellant argues that the vCard disclosed by Douvikas "is a known feature, which prior to the present invention as recited in claim 1 contained no embedded code" (see Appeal Brief p. 12). However, it is noted that Appellant has provided no support or evidence for such an assertion. As noted above, the claimed "embedded code" is broad, and as the disclosed vCard is nothing more than displayed data, it is reasonable to read the displayed vCard of Douvikas as having embedded code (see column 8, lines 7-17). Additionally, as Douvikas discloses the ability to set a privacy level (i.e., credential) for certain information in a vCard for controlling display (i.e., generation) of information to another member (see column 9, lines 22-56), Examiner submits that Douvikas clearly teaches generating such personal data output "based on at least one credential" as claimed. Although Appellant argues that "Douvikas teaches using specific software, separate from the data itself, to manage access and data privacy, as opposed to a personal data object that includes a template with embedded program code", Examiner submits that the claims do not require credentials to be validated or defined by any specific mechanism, rather they require only that a credential is received and used for generating personal data output (i.e., vCard). The breadth and language of the claims in no way require software or program code to perform any managing function as argued. Such a comparison between the software of Douvikas and the claimed embedded program code is thus unwarranted. Examiner has cited column 13, lines 15-

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22 in the above rejection, which clearly teaches the use of templates embedded with program code for generating output based on the user. As such, Examiner submits that the reference reads on the limitation as claimed.

11. Finally, Appellant asserts that the embodiment of Douvikas disclosing the display of a vCard on a webpage is not a data object including a template with embedded program code. Examiner disagrees. The claimed "personal object" requires nothing more than a template and embedded code as recited in the claims, both of which one of ordinary skill in the art would recognize could be read on the disclosed webpage.

Broadly, a webpage is a template embedded with HTML tags and codes that cause it to display certain information as desired by an author. Appellant's assertion that the webpage of Douvikas is not a data object including a template and embedded code is thus wrong. For these reasons, claims 1, 2, 7-11, and 16-19 are rejected.

12. **Issue 2:** Douvikas does not teach receiving at least one credential.

13. Appellant asserts that Douvikas does not teach "receiving, from a recipient, at least one credential for the recipient" as recited in claim 1. Appellant argues that the privacy levels disclosed by Douvikas (see column 9, lines 22-56) are designated by the user and not received from the recipient. Although Appellant argues that the privacy levels are designated by the user, Examiner submits that this does not preclude that a credential is received from the recipient. The claims do not require credentials to be validated or defined by any specific mechanism, rather they require only that a credential is received and used for generating personal data output (i.e., vCard). As

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such, Examiner submits that the reference reads on the limitation as claimed. Douvikas states that "Level 2" information is "displayed only to other ecardfile Members who are in your personal ecardfile and who have been designated to receive your semi-private information" and that "Level 3" information is "displayed only to other ecardfile Members who are in your personal ecardfile and who have been designated to receive your private information" (see column 9, lines 21-56). It is clear from this cited portion that certain information of the vCard is displayed based on the identity of the recipient. Examiner submits that in such a system, it is inherent that a credential is received from the recipient in order to generate personal data output at varying privacy levels, as the only way to ascertain if a recipient receiving a vCard is one who has been designated to receive such information would be to first ascertain the identity of the recipient. For these reasons, claims 1, 2, 7-11, and 16-19 are rejected.

Issue 3: Douvikas does not disclose activating the embedded code in the template.

Appellant further asserts that Douvikas fails to disclose "activating the embedded program code in the template to dynamically generate a personal data output based on the at least one credential" as recited in claim 1. Examiner submits that as described above, Douvikas disclosed a template with embedded code that generates personal data output based on a credential. Appellant states that Douvikas teaches a vCard that can contain a hyperlink (see Remarks, p. 14). Given this, Examiner further submits that Douvikas disclosed activation of such a link for dynamically generating the personal

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data output, as it was disclosed that the user might click on the link (see column 10, lines 58-64). Douvikas described that at such an activation of a link, a browser would generate personal data output that was up-to-date and therefore dynamic. Douvikas thus reads on the broad limitation of activating the embedded code in the template to dynamically generate personal data output based on the credential as claimed.

Examiner further submits that the breadth of the claim language allows for such an interpretation. The claim limitation argued by Appellant is broad and requires nothing limiting or defining specifically what "activating" is. For these reasons, claims 1, 2, 7-11, and 16-19 are rejected.

Issue 4: dependent claims 4, 13, and 21 are not anticipated by Douvikas.

Appellant asserts that Douvikas does not teach or suggest that the personal data object comprises at least one of a signed Java class, a Java server page, and a text file with fields replaced by JavaScript code. It is the position of the Examiner that Douvikas disclosed such a feature. Examiner first notes that the claims only require "one of" the recited items. Douvikas clearly reads on a personal data object comprising a Java server page as claimed. A Java server page is known in the art to include servlets used in conjunction with HTML. Thus, as Douvikas disclosed displaying vCards using HTML (see column 8, lines 7-24) and providing the vCard functionality using Java-based servlets (see column 11, line 60 through column 12, line 27; column 13, lines 1-6), the prior art reference clearly reads on a personal data object comprising at least a Java server page as claimed. For this reason, claims 4, 13, and 21 are rejected.

Issue 5: dependent claims 5, 14, and 23 are not anticipated by Douvikas.

Appellant asserts that Douvikas does not teach an electronic calendar. However, Appellant acknowledges that Douvikas discloses a web based electronic business card. Thus, Examiner submits that dependent claims 5, 14, and 23 are clearly taught by Douvikas, as they only require the personal data output to comprise one of an electronic business card and an electronic calendar. For this reason, claims 5, 14, and 23 are rejected.

Issue 6: dependent claims 6 and 15 are not anticipated by Douvikas.

Appellant asserts that Douvikas does not teach delivering the dynamically generating personal data output by attaching the dynamically generated personal data output to an e-mail message. Examiner submits that Douvikas clearly teaches the broadly claimed concept, as Douvikas disclosed attaching personal data output to an e-mail signature (see column 7, line 65 through column 8, line 24; column 10, lines 46-57). Although Appellant argues that this portion of Douvikas does not teach "attaching dynamically generated personal data output to an e-mail message" and instead discloses attaching to an e-mail a hyperlink to a vCard, it is submitted that the language of claims 6 and 15 is broad. Attaching a link to a vCard to an e-mail signature reads on the claimed "attaching" as the claims do not require specifics regarding such attaching. Broadly, it is reasonable to interpret the claimed "attaching" as "associating", which the disclosed hyperlink of Douvikas does. By this reasoning, claims 6 and 15 are rejected.


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(11) Related Proceeding(s) Appendix

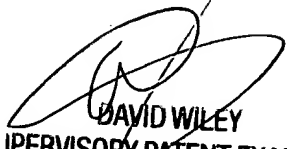
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Joseph Maniawang

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